

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD BRINSKELE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 13-MISC-80094 JSW

**FURTHER ORDER TO SHOW
CAUSE RE SERVICE OF
REPORT AND
RECOMMENDATION**

On July 3, 2013, Magistrate Judge Ryu issued a Report and Recommendation in which she recommended granting the United States of America's Application for a Writ of Garnishment. Any objections to the Report and Recommendation would have been due 14 days after a party was served with the Report. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(a); N.D. Civ. L.R. 72-2.

Because it was not clear to the Court that the United States served a copy of the Report and Recommendation on: (1) the debtor or (2) the Garnishee, on August 12, 2013, the Court issued an Order to Show Cause directing the United States to show cause why service should not be effected before the Court rules on the pending Report and Recommendation. To clarify, the Court intended that the United States show cause why service of the Report and Recommendation should not have been made on *both* the debtor and the Garnishee. The Court ordered that the United States' response would due by August 23, 2013, unless it files a proof of service prior to that date.

On August 16, 2013, the United States filed a proof of service, in which it stated that, on August 8, 2013, it had served the Order of Referral, the Amended Order of Referral, and the

1 Report and Recommendation Re Application for Writ of Garnishment on the Garnishee by
2 United States Mail. Accordingly, any objections to the Report and Recommendation by the
3 Garnishee would have been due on August 26, 2013.

4 The United States also certified that, on August 16, 2013, it served a copy of the Order
5 to Show Cause on the debtor and the Garnishee, as required by the Court.

6 The United States has not, however, responded to the Court's Order to Show Cause why
7 service of the Report and Recommendation should not be served on the Debtor. It also has not
8 provided proof of service that the Debtor has been served with a copy of that document.

9 Accordingly, the Court shall provide the United States with one final opportunity to respond to
10 the Order to Show Cause as to why service of the Report and Recommendation should not be
11 made on the Debtor. The United States' response shall be due by September 3, 2013.

12 Alternatively, by that date, the United States may file a further proof of service showing that it
13 has served the debtor.

14 At that time, the Court will rule on the Report and Recommendation.

15 It is FURTHER ORDERED that the United States shall serve a copy of this Order on all
16 interested parties and shall file proof of such service by no later than September 3, 2013.

17 **IT IS SO ORDERED.**

18 Dated: August 27, 2013


JEFFREY A. WHITE
UNITED STATES DISTRICT JUDGE